

REMARKS

Claims 1-44 are pending. In this paper, claims 1, 3, 13, 20, 22, 23, 34, and 40-43 have been amended and claim 44 has been added to further protect the invention.

Reconsideration of the application is requested for the following reasons.

In the Office Action, claims 1-10, 22-31, and 41 were rejected under 35 USC § 102(b) for being anticipated by the Yoshino patent. This rejection is respectfully traversed for the following reasons.

The Yoshino patent discloses forming a facial image from a combination of images, each representing a part of the face. Yoshino further discloses assigning numbers to each image part. However, Yoshino does not disclose the features added by amendment to claim 1, including “generating element codes corresponding to the facial feature designations, each element code based on:

- (a) a symbol representative of a facial feature, the symbol having one of a plurality of values indicative of variations of the facial feature, and
- (b) a first code factor having a value that equals or exceeds a maximum value of the plurality of values indicative of the variations of the facial feature.”

Yoshino also fails to disclose that the composite image is displayed “based on the element codes corresponding to the facial feature designations.”

Because the Yoshino patent does not disclose all the feature of claim 1, it is respectfully submitted that the Yoshino patent cannot anticipate this claim. Applicant further submits that features similar to those added by amendment to claim 1 appear in the claims of the parent patent. Accordingly, it is submitted that claim 1 and its dependent claims are allowable.

Claims 22 and 41 have been amended to recite features similar to those which patentably distinguish claim 1 from the Yoshino patent. Applicant therefore submits that claims 22, 41, and their dependent claims are also allowable.

Claims 13-15, 17-21, 34-36, 38-40, 42, and 43 were rejected under 35 USC § 103(a) for being obvious in view of the Yoshino patent. This rejection is traversed on grounds that claims 13, 20, 34, 40, 42, and 43 have been amended to recite features similar to those which patentably distinguish claim 1 from the Yoshino patent. Accordingly, application submits that these claims and their dependent claims are allowable.

Claims 11, 12, 16, 32, 33, and 37 were rejected under 35 USC § 103(a) for being obvious in view of a Yoshino-Johnston combination. This rejection is traversed on grounds that the Johnson patent fails to teach or suggest the features added by amendment to the base claims of claims 11, 12, 16, 32, 33, and 37. For at least these reasons, Applicant submits that claims 11, 12, 16, 32, 33, and 37 are allowable.

New claim 44 recites that each of the element codes further includes an image qualifier having one of a plurality of values indicative of variations of a position of the facial feature in the composite image, and a second code factor having a value that equals or exceeds a maximum value of the plurality of values indicative of the variations of the position of the facial feature in the composite image. These features are not taught or suggested by the cited references, whether taken alone or in combination.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with this application to Deposit Account No. 16-0607 and credit any excess fees to the same Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark L. Fleshner".

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